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EXAMINER	
DOTE, JANIS L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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1. The objections to claims 28 and 33 set forth in the Final rejection mailed on Feb. 12, 2008, paragraph 6, have been withdrawn in response to the "after-final" amendments to claims 28 and 33 filed on May 12, 2008.

The rejection of claims 28 and 33 under 35 U.S.C. 112, first paragraph, set forth in the office action mailed on Feb. 12, 2008, paragraph 8, has been withdrawn in response to the "after-final" amendments to claims 28 and 33 filed on May 12, 2008.

2. Applicant is advised that should claims 1 and 32 be found allowable, claims 28 and 33, respectively, will be objected to under 37 CFR 1.75 as being substantial duplicates thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

3. The rejections under 35 U.S.C. 103(a) of claims 1, 7-23, and 28 over Niimi'633 combined with the other cited references, of claims 1, 7-23, and 28 over Tamoto combined with the other cited references, and of claims 32 and 33 over Ishii combined

with the other cited references in the Final rejection in paragraphs 10-17, respectively, stand for the reasons set forth in the Final rejection.

Applicants' assertions regarding the Niimi'633 examples are not persuasive for the reasons of record. In addition, contrary to applicants' assertion, the examiner did not state that the halogen solvent used to form the charge transport layer (CTL) in Niimi'633 example 28 can be replaced with the non-halogenated solvent tetrahydrofuran used in Niimi'633 examples 1-17. Rather, the examiner stated that it would have been obvious for a person having ordinary skill in the art to use a charge generation layer (CGL) formed from a charge generation dispersion comprising the Niimi'633 titanyl phthalocyanine (i.e., that in Niimi'633 example 28) that is prepared in view of the teachings in Hashimoto, as the CGL in the Niimi'633 photoreceptor in "example 1 [sic: 6]." See the Final rejection, paragraph 10, pages 10-12 and page 14, lines 5-17. As noted by the examiner and acknowledged by applicants in the response filed on May 12, 2008, page 20, lines 21-22, the photoreceptor in Niimi'633 example 6 comprises a CTL formed using the non-halogenated solvent tetrahydrofuran. (The examiner notes that the reference to the photoreceptor in Niimi'633 example 1 in the Final rejection at page 14, line 16, was a typographic error.

The rejection should have referenced the photoreceptor in Niimi'633 example 6. See the Final rejection, paragraph 10, pages 7-8, which describes the photoreceptor in Niimi'633 example 6. The examiner notes that Niimi'633 examples 1 and 6 exemplify photoreceptors that comprise the same CGL and CTL. They only differ in the composition of the protective layers.) Furthermore, as discussed in the Final rejection, paragraph 10, page 10, lines 13-20, Niimi'633 teaches that the charge generation material can preferably be a titanyl phthalocyanine pigment having the particular X-ray diffraction spectrum described in Niimi'633 paragraph 0151. Moreover, Niimi'633 does not teach away from using a CGL comprising the particular titanyl phthalocyanine in Niimi'633 example 28 with the CTL in Niimi'633 example 6. Nor is there any teaching in Niimi'633 that limits the composition of the CTL to be only that exemplified in example 28. See Niimi'633, paragraphs 0162 to 0175.

Furthermore, applicants' arguments regarding the use of non-halogenated solvents in forming the charge transport layer are not persuasive. As discussed in the Final rejection, paragraph 18, pages 44 and 50, the reasons for combining the references do not have to be those of applicants. As discussed in the Final rejection, paragraph 18, pages 46 and 47 and

page 50, line 14, to page 51, line 9, the showing in the instant specification is insufficient to show that the instantly claimed photoreceptors recited in independent claims 1 and 28 and in independent claims 32 and 33 provide unexpected results over the prior art. The showing does not provide a probative comparison to Niimi'633, Tamoto, or Ishii. Furthermore, as noted in the Final rejection, paragraph 18, Niimi'633 example 6 and Tamoto examples 32 and 35 exemplify photoreceptors comprising charge transport layers formed from non-halogenated solvents, i.e., tetrahydrofuran in Niimi'633 and toluene in Tamoto.

The obvious-type double patenting rejections of claims 1, 7-22, 28, 32, and 33 over the claims in Application No. 10/804,067 and of claims 1, 8-10, 15-18, 20-23, and 28 over the claims in Application No. 10/656,280 in the Final rejection in paragraphs 20 and 21, respectively, stand for the reasons set forth in the Final rejection.

Furthermore, the examiner notes that subject matter claimed in Application No. 10/804,067 has been patented in U.S. Patent No. 7,354,686, issued on Apr. 8, 2008. Accordingly, the rejection over the claims in Application No. 10/804,067, which issued as U.S. 7,352,686, is no longer provisional.